

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Corey Price and Robert Price, as Personal Representative of the Estate of Brenda Mickens,)	
)	Case No: 4:19-cv-00486-DCC
Plaintiffs,)	
)	
vs.)	<u>ORDER APPROVING SETTLEMENT</u>
)	
Jim Korey Chambley, Denali Water Solutions, LLC and/or Terra Renewal Services, Inc., Jointly and Severally,)	
)	
Defendants.)	

This matter came before the Court upon the Verified Petition of the Estate of Brenda Mickens, by and through its Personal Representatives Robert and Corey Price, seeking approval of proposed settlement of claims against Defendants, Jim Korey Chambley, Denali Water Solutions, LLC, and/or Terra Renewal Services, Inc. (collectively “Defendants”), for any and all claims under the South Carolina Survival Statute and Wrongful Death Act and for all other potential claims or causes of action. All interested parties were accorded proper notice of the hearing and the issues. After carefully reviewing the Petition, all documents referenced therein, and other evidence presented, the Court finds as set forth below.

FINDINGS

1. Petitioners are duly qualified and acting as the Personal Representatives of the Estate of Brenda Mickens, having been so appointed by the Probate Court of Anson County, North Carolina, and have authority to settle claims on behalf of the Estate of Brenda Mickens and her statutory beneficiaries. The Estate of Brenda Mickens made claims against the Defendants, under the South Carolina Survival Statute and Wrongful Death Act for injuries allegedly suffered by

Brenda Mickens and her statutory beneficiaries arising out of an automobile accident that occurred on August 15, 2018, in Chesterfield County, South Carolina as is more fully set forth in the Complaint in this matter. Defendants deny the allegations in the Complaint and have vigorously disputed the allegations throughout the course of the litigation.

2. A settlement was reached between the Petitioners and the Defendants, subject to this Court's approval in which Defendants will provide compensation as set forth in the Petition and disbursement sheet reviewed by this Court in camera, to settle any and all claims that could have been brought under the South Carolina Survival Statute and Wrongful Death Act by the Estate of Brenda Mickens, by and through its Personal Representatives, Robert and Corey Price, or for any other cause. It further appears that due consideration has been given to the advisability of accepting the proposed settlement and the Estate of Brenda Mickens, by and through its Personal Representatives, Robert and Corey Price, recommend to this Court the Settlement as outlined in the Petition and discussed with the Court be approved.

3. Petitioners and Defendants attest and affirm it is in the best interests of both parties to maintain confidentiality of the settlement amount. Petitioners and statutory beneficiaries agree to the confidentiality of settlement and understand the information could be subject to public discussion and gossip and could create an opportunity for interest from others with improper motives. Although the Court is sensitive to the public right of access to court records, based on the reasons above and for other good cause articulated by counsel during the hearing on this petition for the approval of the settlement, the Court finds this case does not implicate an important historical event, nor does a public settlement amount promote a significant public need for information that would outweigh the concerns of the parties. The Petition and a Settlement Disbursement Sheet were provided to this Court for its confidential review and consideration.

Accordingly, and for good cause shown and pursuant to the confidential settlement agreement between the parties, this Court finds that counsel for both parties, including their agents and assigns, shall maintain the confidentiality of the terms of the settlement agreement and shall not release, disclose, or otherwise publicize the terms and conditions of the settlement agreement to any third persons by any means of communication (written, verbal, or electronic) as outlined in the Confidential Settlement Agreement and Full, Final, and Complete Release.

4. The Estate of Brenda Mickens, by and through its Personal Representatives, Robert and Corey Price, informed the Court that Defendants and their respective heirs, agents, apparent agents, servants, employees, former employees, officers, board members, related or affiliated corporations or companies, and their heirs, successors, and assigns and all other persons, firms, entities, insurers, without admitting to liability herein, offered to pay to the Petitioners the sums set forth in the Petition and Settlement Disbursement Sheet presented to and reviewed by this Court in camera, in settlement of all claims of Corey and Robert Price, as Personal Representatives of the Estate of Brenda Mickens, and all other potential claims. The full and final settlement amount to be paid to the Estate of Brenda Mickens, by and through its Personal Representatives, Corey and Robert Price is a settlement of all claims of the Estate of Brenda Mickens, by and through its Personal Representatives, all claims of the heirs and beneficiaries of the Estate, and all claims of the statutory beneficiaries of Brenda Mickens against the above-referenced entities, and for any and all claims other causes of action.

5. The total sums of the settlement are to be paid to the Petitioners of Estate of Brenda Mickens, by and through its Personal Representatives, Robert and Corey Price, in settlement and satisfaction of the claims of the Estate of Brenda Mickens under the South Carolina Survival Statute and Wrongful Death Act for injuries allegedly suffered by Brenda Mickens and her

statutory beneficiaries arising out of an automobile accident that occurred on August 15, 2018 in Chesterfield County, South Carolina. Attorneys' fees and reimbursement costs incurred in the litigation will be paid as set forth in the disbursement sheet presented to the Court.

6. Petitioners and their attorney have fully investigated the matter and, after giving careful consideration to all aspects of the situation, have concluded that the settlement is fair, just and reasonable and is in the best interests of Petitioners, as Personal Representatives of the Estate of Brenda Mickens, the statutory beneficiaries of Brenda Mickens and of the Estate Brenda Mickens, and have asked this Court to approve the same.

7. This settlement shall cover and include and does cover and include all future injuries, death, expenses or damages, not known to the Petitioners hereto, but which may later develop or be discovered, including the effects and consequences thereof, that arise out of the injuries to and death of Brenda Mickens.

8. The settlement proceeds paid herein shall be paid as full and complete settlement and satisfaction of all related past, present and future claims and causes of action for all medical expenses, the death of, and any other injuries or damages of Brenda Mickens and/or Petitioners, which are known, and which are not now known, and which may later develop. Petitioners, represent and warrant that any related subrogation claims/liens in this matter, including any Medicaid and/or Medicare claims/liens, resulting from the injuries to and the death of Brenda Mickens, shall be paid from the settlement proceeds.

9. This Court, having carefully considered the matter concludes this settlement, under all the circumstances, is fair, just and reasonable, and should be approved.

10. Upon payment and receipt of the sums of money set forth in the Petition and Settlement Disbursement Sheet presented and reviewed by this Court in camera, by or on behalf

of Defendants and their respective heirs, agents, apparent agents, servants, employees, former employees, officers, board members, related or affiliated corporations or companies, and their heirs, successors, and assigns and all other persons, firms, entities, insurers, and all other associated persons or entities, it is ordered that any claims by or on behalf of the Estate of Brenda Mickens, for all damages now existing or which may occur in the future against Defendants and their respective heirs, agents, apparent agents, servants, employees, former employees, officers, board members, related or affiliated corporations or companies, and their heirs, successors, and assigns and all other persons, firms, entities, insurers, on account of or arising out of the automobile accident that occurred on August 15, 2018, in Chesterfield County, South Carolina, as is more fully set forth in the Complaint in this matter be forever barred.

11. Petitioners are empowered and authorized to execute a the Confidential Settlement Agreement and Full and Final Release for all claims and causes of action the statutory beneficiaries of Brenda Mickens, the Estate of Brenda Mickens, and Petitioners, individually and/or as Personal Representatives of the Estate of Brenda Mickens have or may have against Defendants, their heirs, successors, assigns, and present and former agents, servants and employees, and to consent to a dismissal with prejudice.

12. This is not an Order of Judgment, but merely an approval of the settlement, and the Clerk of Court shall not enter this as money judgment.

AND IT IS SO ORDERED.

By: s/Donald C. Coggins Jr.
The Honorable Donald C. Coggins, Jr.
United States District Judge

December 6, 2019
Spartanburg, SC